



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,914	03/15/2004	Frank Schubert	2041	3079

24264 7590 07/05/2005

TIMOTHY J MARTIN, PC
9250 W 5TH AVENUE
SUITE 200
LAKEWOOD, CO 80226

EXAMINER

RICHTER, SHELDON J

ART UNIT	PAPER NUMBER
----------	--------------

3748

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,914

Applicant(s)

SCHUBERT, FRANK

Examiner

Sheldon J. Richter

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 8-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 26-37 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on June 20, 2005.

2. Claims 8-25 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on June 20, 2005.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kraus et al. Fig. 4 of Kraus et al discloses an electric generation station, comprising a solar array 26 including a transfer fluid and operative in response to solar energy to heat said transfer fluid; a heat exchanger 31 in fluid communication with the transfer fluid and operative to produce steam in response to circulation of heated transfer

Art Unit: 3748

fluid therethrough, a first pump 29 operative to circulate the transfer fluid from said solar array through said heat exchanger whereby said heat exchanger produces steam; an electric generator 38 operative to generate electricity; and a steam engine 33 in fluid communication with the steam from said heat exchanger and operative in response thereto to operate said electric generator. With reference to claim 5, note 41 of Kraus et al.

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Lenz et al. Fig. 12 of Lenz et al discloses an electric generation station, comprising a solar array 90 including a transfer fluid and operative in response to solar energy to heat said transfer fluid; a heat exchanger 101 in fluid communication with the transfer fluid and operative to produce steam in response to circulation of heated transfer fluid therethrough, a first pump 105 operative to circulate the transfer fluid from said solar array through said heat exchanger whereby said heat exchanger produces steam; an electric generator 117 operative to generate electricity; and a steam engine 109 in fluid communication with the steam from said heat exchanger and operative in response thereto to operate said electric generator.

6. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Moriarty. Fig. 6 of Moriarty discloses an

Art Unit: 3748

electric generation station, comprising a solar array 12 including a transfer fluid and operative in response to solar energy to heat said transfer fluid; a heat exchanger 42 in fluid communication with the transfer fluid and operative to produce steam in response to circulation of heated transfer fluid therethrough, a first pump 84 operative to circulate the transfer fluid from said solar array through said heat exchanger whereby said heat exchanger produces steam; an electric generator 78 operative to generate electricity; and a steam engine 68 in fluid communication with the steam from said heat exchanger and operative in response thereto to operate said electric generator. With reference to claims 3-5, note 24 of Moriarty. With reference to claim 3, note 76 of Moriarty.

Allowable Subject Matter

7. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

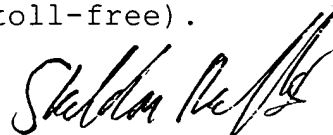
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
Ross is cited to show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheldon J. Richter whose telephone number is (571) 272-4863. The examiner can normally be reached on 9:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS E. DENION can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sheldon J Richter
Primary Examiner
Art Unit 3748